IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Crl.MC.No. 1223 of 2004

CC.513/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, KANJIRAPPALLY

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PETITIONER:

T.N.SREEDHARAN NAIR, ADVOCATE,
THEKKEPOTTANGAL HOUSE,
PUNKUNNAM, KOTTAYAM DIST.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.S.MANU

RESPONDENTS:

1. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. KHADEEJA BEEVI, DARUL ISIAH,
NEAR C.S.I. CHURCH, CHITTADY,
KOTTAYAM DISTRICT.

BY ADV. SRI.ESM.KABEER
SMT.K.M.AMINABEEVI
PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 1223 of 2004

ORDER

The petitioner is the accused in C.C.No.513/03 on the file of the Judicial First Class Magistrate's Court-II, Kanjirappally, taken cognizance of on the basis of the final report filed in Crime No.131/03 of Erumely Police Station. The said crime was being registered on the basis of Annexure-I complaint, submitted by the second respondent, having been forwarded for investigation and report under Section 156(3) Cr.P.C. Crime was registered for offences under Sections 341, 354 and 294(b) IPC against the petitioner. Though the final report is filed by the police and it was on the basis of the final report that C.C.No.513/03 was registered on the file of the Judicial First Class Magistrate's Court-II, Kanjirappally,the petitioner has not produced the final report or any other document, other than Annexure-I complaint and Annexure-II FIR.

2. On going through Annexure-I complaint, I am not of the view that offences under Sections 341, 354 and 294(b) IPC are not, prima facie, made out or that even in case the allegations are proved on the evidence that may be adduced by the prosecution, the case will not end in conviction of the petitioner/accused or that continuing with trial of the case will only be an abuse of the process of court.

In the circumstances, I dismiss this Crl.M.C. However, inasmuch as it is urged before me by the counsel for the petitioner that it will be embarrassing for the petitioner to appear in person before the court where he is practicing, it is ordered that C.C.No.513/03 on the file of the Judicial First Class Magistrate's Court-II, Kanirappally shall stand transferred to the Chief Judicial Magistrate's Court, Kottayam.

6th August, 2007 (K.P.Balachandran, Judge)

tkv